



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO: 070012

Petitioner, Park School Corporation applied to the Board of Appeals for relief to construct an addition; to re-construct the perimeter access road; and to extend the parking lot within the front set back at 171 Goddard Avenue.

On March 1, 2007, the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed April 5, 2007, at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published March 15 and 22, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: Park School Corporation

Location of Premises: 171 Goddard Avenue BRKL

Date of Hearing: 04/05/2007

Time of Hearing: 07:00 p.m.

Place of Hearing: Selectmen's Hearing Room, 6th. Floor

A public hearing will be held for a special permit and/or variance from:

- 1) 5.08.2; Exceptions to Dimensional Requirements for Uses 9 and 10; Special Permit Required.
- 2) 5.30; Maximum Height of Buildings; Variance Required.
- 3) 5.43; Exceptions to Yard and Setback Regulations; Special Permit Required.
- 4) 5.70; Rear Yard Requirements; Variance Required.
- 5) For the Design off Off-Street Parking Facilities:
 - 6.04.5.c.1; Variance Required
 - 6.04.5.c.3; Variance Required
 - 6.05.5.c.4; Variance Required
- 6) 8.02.2; Alteration or Extension; Special Permit Required of the Zoning By-Law to re-construct the perimeter access road and to extend the parking lot within the front yard per plans at **171 GODDARD AVE BRKL.**

Said Premise located in a S-40 District.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing was Chair, Harry Miller and Board members Enid Starr and Bailey Silbert. Mr. Patrick Tedesco, AIA of Chan Kreiger Sieniewicz, an architecture and urban design firm located at 8 Story Street, Cambridge, MA presented the case before the Board. Also providing testimony for the

petitioner was Mr. Joseph T. Geller, ASLA of Geller DeVellis Inc., a landscape architecture and civil engineering firm located at 141 Portland Street, Boston, MA.

Mr. Tedesco described the current school site and its relationship to its surroundings. He described the school as a private, K through 9, educational facility. He said that the school consists of multiple buildings, partly attached, though smaller buildings exist elsewhere on the site. Multiple recreational fields are present, primarily to the west and rear of the main school buildings. The school entrance and a large parking lot are located in front of the school off Goddard Avenue. There is an access road to the rear of the school for student drop off/pick up and bus parking. The access road exits onto Goddard Avenue to the northeast. The site is located near the Brookline/Boston town line, across from Larz Anderson Park and the Hellenic Association. Near the school are several large single-family homes as well as a cluster development of attached single family dwellings.

Regarding the school addition portion of the relief, Mr. Tedesco stated that the design was for an approximately 20,000 s.f., three story structure with common areas on the basement and ground levels and additional classrooms above. The addition would be located at the rear of the school from the western end of the existing building easterly to the courtyard. An elevated bridge will connect the addition to the eastern wing of the school. The exterior of the building will be brick veneer, pre-patinated copper panels and mahogany siding. The addition includes an elevator to service the entire building. He stated that when the school was built, the cast in place construction technique resulted in low ceiling heights and small classrooms throughout. This addition will employ a more conventional building technique with greater ceiling height and larger classrooms. The current building has a zoning compliant 35 foot height, the new construction will be 40 feet, hence this request for height relief. The plan of record is by Chan Krieger Sieniewicz and is dated 16 February 2007.

Regarding the reconstruction of the access drive, the plan is to reconstruct and widen portions to make room for the addition and improve traffic flow at the rear of the school. The new design will increase turning radii to allow for buses and emergency vehicles. In order to provide for a portion of the new driveway, the school entered into an agreement with its neighbor to the north, H. Kimball Faulkner and Nancy Faulkner, to transfer land and the conservation easements thereon. The new plan was endorsed by the Planning Board on 22 March 2007. The plot plan was prepared by Precision Land Surveying, Inc., of Southborough, MA and is dated 2 November 2006. The conservation restriction was amended on 20 December 2006. The Conservation Commission endorsed the amendment on 9 January 2007. The Board of Selectmen endorsed the amendment on 6 February 2007. Finally, the Secretary of Environmental Affairs on 3 March 2007 certified the amended conservation restriction.

As to the expanded parking, 35 new spaces would be provided by removing the existing basketball court and extending the parking lot and median strip to the west. Nine existing spaces at the rear of the building will be eliminated to provide for the redesigned driveway, resulting in a net gain of 26 spaces to the school. It was noted that the existing parking lot that is being expanded lies within the front setback of the school and requires setback relief. A traffic consultant, retained by the school, noted that additional queuing and parking spaces were needed. Currently, some parent/caregivers park on Avon Street across from the school and cross Goddard Avenue with their children creating a potential safety issue. Mr. Tedesco addressed a concern of the school's neighbor, the Holy Transfiguration Monastery. The Monastery cited high noise levels from the school related to the staging and announcement system currently in place for pick-up of the children. He stated that a megaphone is currently used to announce the arrival of care-givers for pickup of students. The school as part of this plan will use a system of speakers installed in the overhang directed toward the ground and thereby eliminate the use

of megaphones and reduce the off site noise issue. Mr. Geller stated that the increased parking area results in no increased stormwater issues as the existing drainage system is oversized for current conditions.

The Chair asked whether there was anyone in the audience that wished to speak in favor or in opposition to the proposal. No one rose to speak.

Planner, Lara Curtis, then reviewed the comments and recommendations of the Planning Board. She stated that the Planning Board is supportive of the proposal to build a large rear addition for classrooms and increased office space as well as the reconstruction and expansion of the school's parking and vehicular access facilities. The project is not expected to detrimentally impact surrounding properties and it should improve the parking and access difficulties currently experienced, particularly at the end of the school day. The Planning Board thought the project was attractively designed and well thought out.

Ms. Curtis outlined the required relief as follows:

Section 5.30 – Maximum Height of Buildings

Section 5.70 – Rear Yard Requirements

Section 6.04 – Design of All Off-Street Parking Facilities

.5.c.1 – front yard setback for parking lot and entrance/exit drives

.5.c.3 – rear yard setback for parking lot and entrance/exit drives

.5.c.4 – setback from all lot lines

Section 8.02.2 – Alteration or Extension: A special permit is required to alter a non-conforming structure.

	Required / Maximum Allowed	Currently Existing	Proposed	Finding
Height	35 feet	35 feet	40 feet	Variance / Special Permit*
Rear Yard Setback (building)	60 feet	56 feet	29 feet 9 inches†	Variance / Special Permit*

Floor Area Ratio (includes all contiguous parcels)	0.15 (174,938 s.f.)	0.13 (152,241)	0.148 (172,091)	Complies
Front Yard Setback (parking)	40 feet	15 feet	20 feet 10 inches	Variance / Special Permit**
Rear Yard Setback (parking)	40 feet	5 feet	5 feet‡	Variance / Special Permit**

*Under Section 5.08.2, the Board of Appeals may allow by special permit modifications to the dimensional requirements for educational uses to the extent necessary to allow reasonable development of the use in general harmony with other permitted uses in the vicinity.

†This setback may increase should the transaction to purchase abutting land be completed. After the proposed purchase, the minimum provided setback would be 44 feet 9 inches.

**Under Section 5.43, the Board of Appeals may waive yard and setback requirements if the applicant provides a counterbalancing amenity. The applicant has indicated landscape improvements would serve as the counterbalancing amenity.

‡This setback relies on the completion of the transaction to purchase an abutting land parcel. Otherwise, the drive would travel over abutting property.

Ms. Curtis stated that the Planning Board recommended approval of the proposal and the plans, titled “The Park School” and last dated 2/16/07, subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations and a final site plan and landscaping plan shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the parcel marked “Parcel 2E” on the submitted Plan of Land (dated 11/2/06) shall be purchased, and a copy of the recorded deed shall be submitted to the Zoning Administrator.
3. Prior to the issuance of a building permit, the Town’s Conservation Commission shall have approved the amendment to the property’s Conservation Restriction, and a copy of the decision shall be submitted to the Assistant Director for regulatory planning. (This recommended condition was fulfilled 3-22-07).
4. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including landscaping, fencing, grading, and location of utilities; 2) building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chair called on Frank Hitchcock representing the Building Department. Mr. Hitchcock briefly described the project. He noted that the redesigned driveway would be a vast improvement over the current situation and that the parking lot extension is merely an extension of that which already exists. He said the addition seems reasonable and is well within the FAR limits for the site. He mentioned that the increased height may be due to the topography of the site since it is steeply sloped. Mr. Hitchcock reminded the Board of the provisions of Section 5.08.2 of the bylaw which may allow by special permit modifications to the dimensional requirements for educational uses. Mr. Hitchcock stated that the Building Department had no objections to the proposal, the relief required or to the conditions recommended by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and waive dimensional requirements for this educational use under Section 5.08.2 to amend the building height and rear building setback; Section 5.43 to waive yard and setback requirements for the parking lot and access drive, and Section 8.02.2 to alter a pre-existing non-conforming structure, the parking lot. The Board made the following findings pursuant to Section 9.05:

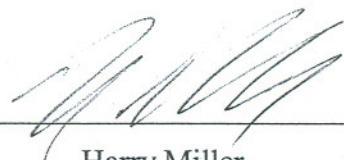
- a. The specific site is an appropriate location for such a use, structure, or condition and is in general harmony with other permitted uses in the vicinity and for the reasonable development of the educational use.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

After discussion, the Board agreed unanimously to grant the relief requested by the petitioner subject to the following conditions:

- 1 Prior to the issuance of a building permit, final elevations and a final site plan and landscaping plan shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
- 2 Prior to the issuance of a building permit, the parcel marked "Parcel 2E" on the submitted Plan of Land (dated 11/2/06) shall be purchased, and a copy of the recorded deed shall be submitted to the Zoning Administrator.
- 3 Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including landscaping, fencing, grading, and location of utilities; 2) building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals


Harry Miller

Filing Date:

A True Copy:

ATTEST



Patrick J. Ward Clerk, Board of Appeals